

**DECLARATION, PETITION
AND
POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHODS AND APPARATUS FOR PREVENTING MIGRATION
OF SUTURES THROUGH TRANSOSSEOUS TUNNELS**

the specification of which
(check one)

_____ is attached hereto
☒ filed on January 19, 1999
as Application Serial No. 09/234,022
_____ or Express Mail No. _____
and was amended on _____
(if applicable)

I do not know and do not believe that the subject matter of this application was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an issued inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Check one:

☐ no such applications have been filed.

☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month, day, year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier United States application, if any, described below, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States more than one year prior to said earlier application, that the said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months prior to said application and that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

	(Filed)	(patented, pending, abandoned)
U.S. Patent Application Serial No. 08/689,443	09/09/96	<u>Pending</u>
U.S. Patent Application Serial No. 08/163,130	09/25/91	Pending
U.S. Patent Application Serial No. 07/765,445	12/06/93	Pending
U.S. Patent Application Serial No. 07/588,055	09/25/90	Abandoned

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

David J. Powsner	Reg. No. 31,868
Sam Pasternack	Reg. No. 29,576
Brenda H. Jarrell	Reg. No. 39,223
Kevin M. Tormey	Reg. No. 41,351
Paul A. Pysher	Reg. No. 40,780
Elizabeth E. Nugent	Reg. No. 43,839
Karoline Shair	Reg. No. 44,332;

Send Correspondence to:

CHOATE, HALL & STEWART, Exchange Place, 53 State Street, Boston, MA 02109-2891

Direct Telephone Calls to: (name and telephone number)

Elizabeth E. Nugent, Tel.: (617) 248-4051

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor	Dennis McDevitt
Inventor's signature	<i>Dennis McDevitt</i>
Date	6-10-99
Residence of first inventor	2 Nathaniel Way, Upton, Mass. 01568
Citizenship	U.S.
Post Office address (if different)	same

2008-06-10 10:39:39

Full name of second inventor	James Nicholson
Inventor's signature	<i>James E Nicholson</i>
Date	6/11/99
Residence of second inventor	14 Meadowdam Road, Lincoln, Massachusetts 01773
Citizenship	U.S.
Post Office address (if different)	same

DS1.457909 1

JUN 11 1999 10:02AM CHORTE HALL & STEWART 723 7881

ASSIGNMENT

WHEREAS, we, Dennis McDevitt, of 2 Nathaniel Way, Upton, Massachusetts, and James Nicholson, of 14 Meadowdam Road, Lincoln, Massachusetts, having invented certain new and useful improvements in METHODS AND APPARATUS FOR PREVENTING MIGRATION OF SUTURES THROUGH TRANSOSSEOUS TUNNELS for which we have made application for United States Letters Patent

X

filed on January 19, 1999

as application serial no. 09/234/022

WHEREAS, Innovasive Devices, Inc., a Massachusetts corporation, having a place of business at 734 Forest Street, Marlborough, Massachusetts, and its successors and assigns (collectively hereinafter called "ASSIGNEE"), is desirous of acquiring my entire right, title and interest in and to the invention, and in and to the said application and any Letters Patent that may issue thereon;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we do hereby sell assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive right, title and interest in and to said invention and in and to said application and all patents which may be granted therefore, and all divisions, reissues, substitutions, continuations, continuations-in-part and extensions thereof; and we hereby authorize and request the Commissioner of Patents and Trademarks to issue all patents for said invention, or patents resulting therefrom, insofar as my interest is concerned, to the said ASSIGNEE of our entire right, title and interest.

We also hereby sell and assign to said ASSIGNEE, its successors, assigns and legal representatives the full and exclusive rights, title and interest to the invention disclosed in said application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world, including all rights of priority, all rights to publish cautionary notices reserving ownership of said invention, and all rights to register said invention in appropriate registries; and we further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such rights, title and interest in ASSIGNEE, its successors, assigns and legal representatives.

We hereby further agree that we will communicate to said ASSIGNEE, or to its successors, assigns and legal representative, any facts known to us respecting any improvements; and, at the expense of said ASSIGNEE, to testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make all lawful oaths, and generally do everything possible to vest title in said ASSIGNEE and to aid said ASSIGNEE, its successors, assigns and legal representatives to obtain and enforce proper protection for said invention in all countries.

09/234/022-104604

IN WITNESS WHEREOF, I hereto set my hand and seal at Marlboro,

Massachusetts this 10th day of June, 1999.

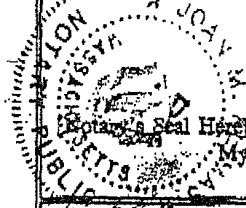
Dennis McDevitt
Dennis McDevitt

Commonwealth
STATE OF Massachusetts
COUNTY OF Middlesex

SS.

Before me this 10th day of June, 1999, personally appeared DENNIS McDEVITT, known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Joan M. Flynn
NOTARY PUBLIC



My Commission Expires: December 18, 2003

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,

_____ this _____ day of _____, 19____.

James Nicholson

STATE OF _____
COUNTY OF _____

SS.

Before me this _____ day of _____, 19____, personally appeared JAMES NICHOLSON known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,

_____ this _____ day of _____, 19____.

Dennis McDevitt

STATE OF _____

SS.

COUNTY OF _____

Before me this _____ day of _____, 19____, personally appeared DENNIS McDEVITT, known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires: _____

IN WITNESS WHEREOF, I hereto set my hand and seal at Dedham

MA this 11th day of June, 1999.

James Nicholson
James Nicholson

STATE OF MASSACHUSETTS

SS.

COUNTY OF NORFOLK

Before me this 11th day of June, 1999, personally appeared JAMES NICHOLSON known to me to be the person whose name is subscribed to the foregoing Assignment and acknowledged that he executed the same as his free act and deed for the purposes therein contained.

Darlene S. Conners
NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires: _____

DARLENE S. CONNERS

Notary Public

My Commission Expires July 3, 2002